

Remarks

The Official Action of May 24, 2005 has been carefully considered. The changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Applicant wishes to thank the Examiner for taking the time to interview this application by telephone with the undersigned on August 5, 2005. During the interview, independent claims 1 and 12 were discussed. Particularly, language suitable to overcome the 112 rejection was discussed. In addition, Richardson (U.S. Patent No. 4,162,098) and Wagner (U.S. Patent No. 4,193,434) were reviewed and discussed in light of the pending Official Action. In regards to the Richardson reference, it was noted that the liner for the truck bed is not shown to be fastened to the truck bed or the frame. Rather, Richardson teaches that the liner fits conformly with the surface of the truck bed and as such no fastening devices are disclosed to retain the liner in relatively fixed position. With respect to the Wagner reference, it was noted that Wagner fails to disclose an intermediate layer (mounting structure) and as such does not teach a bearing member which bears against the bearing surface of a securement structure and bears against the bearing surface of the mounting structure. In light of the discussions from the interview with the Examiner, Applicant has prepared the following remarks.

Claims 1-17 remain in the present application and are believed to be in condition for allowance. Claims 1 and 12 have been amended for clarification and claims 13-16 have been amended to correspond with claim 12. Support for these claim amendments can be found within the specification and drawings. Thus, the amendments do not involve any issue of new matter or raise any new issue after final rejection.

Claims 1-17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the amendments to independent claims 1 and 12,

Applicant believes that the rejection has been overcome. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

Claims 1-4, 6-10, 12, 14, 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Wagner. The Examiner asserts that Richardson discloses the problem of fastening a plastic vehicle bed liner to a metallic substructure. Particularly, the Examiner alleges that Richardson discloses an object, a vehicle bed or liner, an article, a vehicle, and a securement structure shown in Fig. 3. The Examiner further asserts that Richardson discloses bolting the plastic liner to the metal frame which illustrates a problem addressed by Wagner. The Examiner alleges that Wagner discloses the use of a bearing member having a first portion bearing against a plastic structure and a second portion against an analogous metal mounting structure. Thus, the Examiner contends that it would have been obvious to one having ordinary skill in the art to provide in Richardson a fastening system as taught by Wagner.

Applicant submits however that the fastening systems and vehicle beds defined by claims 1-4, 6-10, 12, 14 and 17 are nonobvious over and patentably distinguishable from Richardson in view of Wagner. This rejection is therefore traversed and reconsideration is respectfully requested.

Richardson relates to a protective liner for the bed of a pickup truck formed as a one piece plastic member (abstract). Moreover, Richardson teaches that the liner is intimately conformed to the innermost sidewall of pickup truck bed and as such fastening devices are unnecessary to retain the liner in a relatively fixed position relative to the pickup truck bed (column 1, lines 11-16). In addition, Richardson discloses that valleys in the protective liner have downwardly open relieved areas adapted to accommodate the head of a bolt securing the truck bed to the frame assuring that the liner remains flat and in conformity with the bottom of the truck bed (column 1, lines 44-49).

Wagner relates to a preassembled bolt and washer, and more particularly, to a fastening system for clamping and securing a plastic workpiece to a supporting workpiece (column 1, lines 7-10). Moreover, Wagner teaches securing a plastic-like workpiece to a lower supporting structure, such as a steel panel having a threading aperture (column 2, lines 43-46).

Richardson and Wagner, either alone or in any arguable combination, fail to teach or suggest the fastening systems and vehicle beds as set forth in claims 1-4, 6-10, 12, 14 and 17. Particularly, Richardson in combination with Wagner fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. The present invention is respectively defined by independent claims 1 and 12 to relate to fastening systems and vehicle beds adapted for mounting on a fastening location of a vehicle and that include, among other components, a mounting structure operable to be fastened with respect to a securement structure. Richardson fails to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. As previously mentioned, Richardson illustrates a liner for a truck bed which conforms to the surface of the truck bed. Bolts fasten the vehicle bed to the frame of the vehicle, as shown in Figs. 3 and 4. However, as discussed during the interview with the Examiner, the bolts do not pass through the liner of the pickup truck but rather fasten the truck bed to the substructure frame. As such, Richardson does not teach a a fastening system' or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure.

The disclosure in Wagner does not rectify this deficiency. Wagner fails to teach the element of a mounting structure, but rather discloses only a securement-like structure mounted to a steel article, but not an intermediate mounting structure. Moreover, as also noted during the interview, the washer in Wagner does not operate as a bearing member as presently claimed which biases against a surface of the securement structure and a surface of the mounting structure. As such, there is no motivation to modify the teachings of

Richardson, or to combine Wagner with Richardson to teach or suggest the presently claimed fastening systems or vehicle beds having a bearing member bearing against the bearing surface of the securement structure and against the bearing surface of the mounting structure. Therefore, the disclosure in Wagner does not rectify the deficiency of Richardson.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 1-4, 6-10, 12, 14 and 17 are non-obvious over and patentably distinguishable from Richardson in view of Wagner, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claims 5 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Wagner as applied to claim 1, and further in view of Semple et al. (U.S. Patent No. 6,702,365). The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide references showing cross braces as taught by Semple et al. in order to strengthen the underbody.

Applicant submits however that the fastening systems and vehicle beds defined by claims 5 and 13 are nonobvious over and patentably distinguishable from Richardson in view of Wagner as applied to claim 1, and in further view of Semple et al. This rejection is traversed and reconsideration is respectfully requested.

Semple et al. generally teach a cargo bed assembly secured to and supported by a chassis of a motor vehicle (column 1, lines 41-43).

However, any arguable combination of Richardson, Wagner and Semple et al. fails to teach or suggest the fastening systems and vehicle beds as set forth in claims 5 and 13. Particularly, Richardson in combination with Wagner and Semple et al. fail to teach or suggest a fastening system or vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. As previously mentioned, Richardson and Wagner, alone or in combination, fail to teach the element of a mounting structure, and the disclosure

in Semple et al. does not rectify this deficiency. Although, Semple et al. do teach supporting the underbody of a vehicle, such teaching fails to show the presently claimed fastening system and vehicle bed adapted for mounting on a fastening location of a vehicle where the securement structure is fastened to the mounting structure.

It is therefore submitted that the present inventive fastening systems and vehicle beds as set forth in claims 5 and 13 are non-obvious over and patentably distinguishable from Richardson in view of Wagner and Semple et al., whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of the Wagner as applied to claim 1, and in further view of Johnson (U.S. Patent No. 6,059,503). The Examiner asserts that it would have been obvious to one having ordinary skill in the art to provide a resilient washer as taught by Johnson in order to avoid damage to the plastic substructure. This rejection is traversed and reconsideration is respectfully requested.

Johnson generally teaches assemblies where the fastener is captivated with the workpiece (column 1, lines 5-7).

Any arguable combination of Richardson, Wagner and Johnson fails to teach or suggest the vehicle beds as set forth in claim 15. In particular, Richardson in combination with Wagner and Johnson fail to teach or suggest a vehicle bed having a mounting structure operable to be fastened with respect to a securement structure. Johnson fails to teach the claimed vehicle bed adapted for mounting on a vehicle where the securement structure is fastened to the mounting structure. Thus, as previously mentioned, Richardson and Wagner fail to teach the element of a mounting structure, and the disclosure in Johnson does not rectify this deficiency.

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It is therefore submitted that the vehicle bed as set forth in claim 15 is non-obvious over and patentably distinguishable from Richardson in view of Wagner and Johnson, whereby the rejection under 35 U.S.C. §103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above represents a complete response to the rejections under 35 U.S.C. §§103 and 112, second paragraph, and places the present application in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Respectfully submitted,

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